United Nations A/C.5/63/L.34

General Assembly

Distr.: Limited
30 March 2009

Original: English

Sixty-third session
Fifth Committee
Agenda item 118
Programme budget for the biennium 2008-2009

Draft resolution submitted by the Chairman following informal consultations

Capital master plan

The General Assembly,

Recalling its resolutions 54/249 of 23 December 1999, 55/238 of 23 December 2000, 56/234 and 56/236 of 24 December 2001, 56/286 of 27 June 2002, section II of its resolution 57/292 of 20 December 2002, its resolution 59/295 of 22 June 2005, section II of its resolution 60/248 of 23 December 2005, its resolutions 60/256 of 8 May 2006, 60/282 of 30 June 2006, 61/251 of 22 December 2006, 62/87 of 10 December 2007 and section II.B of its resolution 63/248 of 24 December 2008, and its decision 58/566 of 8 April 2004,

Recognizing the importance of ensuring that persons with disabilities have access to the physical environment on an equal basis with others,

Having considered the sixth annual progress report of the Secretary-General on the implementation of the capital master plan,[1] the report of the Secretary-General on associated costs related to the capital master plan,[2] the report of the Board of Auditors on the capital master plan for the year ended 31 December 2007,[3] the report of the Secretary-General on the implementation of the recommendations of the Board of Auditors on the capital master plan,[4] the annual report of the Office of Internal Oversight Services for the period from 1 July 2007 to 30 June 2008,[5] the report of the Office of Internal Oversight Services on the

[1] A/63/477.
[2] A/63/582.
[3] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 5* (A/63/5), vol. V.
[4] A/63/327 (sect. III).
[5] A/63/302 (Part I) (sect. IV.A).

09-28382 (E) 030409

Please recycle

comprehensive audit of the capital master plan[6] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[7]

1. *Takes note* of the sixth annual progress report of the Secretary-General on the implementation of the capital master plan,[1] the report of the Secretary-General on associated costs related to the capital master plan,[2] the report of the Board of Auditors on the capital master plan for the year ended 31 December 2007,[3] the report of the Secretary-General on the implementation of the recommendations of the Board of Auditors on the capital master plan,[4] the annual report of the Office of Internal Oversight Services for the period from 1 July 2007 to 30 June 2008[5] and the report of the Office of Internal Oversight Services on the comprehensive audit of the capital master plan;[6]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[7] subject to the provisions of the present resolution;

3. *Accepts* the report of the Board of Auditors on the capital master plan for the year ended 31 December 2007;[3]

4. *Approves* the recommendations of the Board of Auditors contained in its report;[3]

5. *Reiterates its serious concern* at the hazards, risks and deficiencies of the United Nations Headquarters building in its current condition, which endanger the safety, health and well-being of staff, delegations, visitors and tourists;

6. *Stresses* the special role of the host country Government with regard to support for United Nations Headquarters, in New York;

7. *Notes* the benefits, including economic ones, accruing to host countries from the presence of the United Nations, and the costs incurred;

8. *Recalls* the current practices of host Governments with regard to support for United Nations Headquarters and United Nations bodies located in their territories;

9. *Takes note* of paragraph 21 of the sixth annual progress report[1] and recalls paragraph 23 of the report of the Advisory Committee on Administrative and Budgetary Questions,[7] and stresses that any arrangement with the host country shall safeguard the integrity of the relevant body of international law, including the Headquarters Agreement between the United Nations and the host country and the Convention on the Privileges and Immunities of the United Nations;[8]

I

Sixth annual progress report

Financial management

1. *Requests* the Secretary-General to ensure by all means that project costs are brought back within the approved budget;

---

[6] A/63/266.

[7] A/63/736.

[8] See General Assembly resolution 22A (I).

2. *Reiterates its request* that the Secretary-General make every effort to avoid budget increases through sound project management practices and to ensure that the capital master plan is completed within the budget as approved in its resolution 61/251;

Value engineering

3. *Welcomes* the success of value engineering activities in identifying over 100 million United States dollars in potential cost savings;

4. *Requests* the Secretary-General to include detailed information on the following in his seventh annual progress report:

(a) Value engineering activities, as well as costs and fees;

(b) The advantages that could potentially be realized as a result of the prevailing market conditions;

(c) A cost-benefit analysis of any additional sustainability options;

5. *Encourages* the Secretary-General to continue finding efficiency gains and cost reductions throughout the implementation of the capital master plan;

6. *Emphasizes* that the value engineering exercise shall not undermine the quality, durability and sustainability of the materials used, the original design of the Headquarters or the commitment of the project to the highest standards of safety, health and well-being of staff and delegations, in particular with regard to the handling of asbestos;

Schedule

7. *Notes* the delay in the process of relocating Secretariat staff to office swing space, and requests the Secretary-General to ensure that the current schedule is adhered to as a matter of urgency;

8. *Recalls* paragraph 14 of the report of the Advisory Committee on Administrative and Budgetary Questions,[7] and urges the Secretary-General to take all necessary steps to avoid any further slippage in the relocation schedule in order to prevent costly delays, including those which may disrupt the work of the General Assembly;

Sustainability

9. *Welcomes* the implementation of projects relating to sustainability approved by the General Assembly, and notes that those projects are being pursued within existing resources;

10. *Requests* the Secretary-General to continue to consider cost-beneficial ways of improving energy efficiency and lowering energy consumption and to report thereon in his seventh annual progress report;

11. *Recalls* paragraph 10 of its resolution 61/251 and paragraph 37 of its resolution 62/87, and reaffirms that any scope options in addition to those already approved by the General Assembly shall be submitted by the Secretary-General to the Assembly for its consideration and approval;

Procurement

12. *Reaffirms* its resolution 62/269 of 20 June 2008, and requests the Secretary-General to comply fully with the relevant provisions contained therein;

13. *Recalls* paragraph 33 of its resolution 62/269, and stresses that, until a decision is taken by the General Assembly on the issue of environmentally friendly and sustainable procurement, the Secretary-General shall not use any criteria that unduly restrict the ability of vendors to participate in procurement processes owing to environmental friendliness or sustainability requirements;

14. *Notes* the lack of diversification in the origin of vendors subcontracted by the construction manager of the capital master plan and also notes that no procurement contract has been awarded to vendors from developing countries or countries with economies in transition;

15. *Reiterates its requests* in its resolutions 61/276 of 29 June 2007 and 62/269 that the Secretary-General continue to explore additional innovative ways to promote procurement from developing countries and countries with economies in transition and to identify obstacles preventing their participation in United Nations procurement contracts and to report on concrete measures taken in this regard;

16. *Reaffirms* paragraph 18 of its resolution 62/87 on procurement opportunities for developing countries and countries with economies in transition, as well as paragraph 28 of its resolution 62/269 relating to bidding by joint ventures, and reiterates its request that the Secretary-General submit a report in this regard for consideration by the General Assembly at its sixty-fourth session;

17. *Requests* the Secretary-General to ensure that the construction manager, in consultation with the Procurement Division of the Department of Management, prepares and implements an action plan to promote procurement opportunities for contractors and vendors from developing countries and countries with economies in transition and to include detailed information on the action plan and its implementation in his forthcoming annual progress reports;

18. *Reaffirms* paragraphs 19 to 23 of its resolution 62/87, and requests the Secretary-General to continue to report on their implementation in the annual progress reports on the capital master plan;

19. *Requests* the Secretary-General to review all expression of interest notices and bids issued by the construction manager in order to ensure that their contents fully comply with the relevant General Assembly resolutions and do not unduly restrict the diversification of the origin of vendors;

20. *Notes* that some measures taken to avoid delays in the capital master plan procurement process, in particular the ex post facto review of contracts, risk having a negative impact in terms of internal controls, and requests the Secretary-General to ensure that the procurement processes are in full compliance with the Financial Regulations and Rules of the United Nations;[9]

21. *Also notes* that the Office of Internal Oversight Services is engaged in the preparation of a comprehensive report on all aspects of the procurement process related to the capital master plan, and in this regard requests the Secretary-General

[9] ST/SGB/2003/7.

to entrust the Office to include in its report factors that may restrict the diversification of the origin of vendors, including the current subcontracting process, local regulations, labour laws and sustainability options, as well as on vendors' compliance with existing rules and regulations of the United Nations and general conditions of contract, and to report thereon to the General Assembly at its sixty-fourth session;

Health and safety

22. *Reaffirms* its commitment to the safety, security, health and well-being of staff, delegations, visitors and tourists at the United Nations, and requests the Secretary-General to ensure that concrete safeguards for the achievement of those objectives are in place and are part of the standard operating procedures throughout the implementation of the capital master plan;

23. *Requests* the Secretary-General to ensure, in particular, strict compliance with the highest applicable standards for the handling of asbestos, and to report to the General Assembly on measures taken in this regard in the context of the forthcoming annual reports and the regular briefings on the implementation of the capital master plan;

24. *Reaffirms* its resolution 63/8 of 3 November 2008, and in this regard requests the Secretary-General to designate sheltered smoking areas in order to make the renovated United Nations Headquarters premises smoke-free;

Donations

25. *Decides* not to endorse the donation policy related to the capital master plan, and requests the Secretary-General to make new proposals in this regard that allow all Member States, without distinction or conditions, to make donations, in full conformity with the international and intergovernmental character of the Organization as well as the Financial Regulations and Rules of the United Nations[9] and without prejudice to the scope, specifications and design of the project, and to report thereon to the General Assembly;

26. *Stresses* that the donations shall be used, where possible, to offset approved estimated costs of the project, as well as associated costs approved by the General Assembly;

27. *Requests* the Secretary-General to develop a gift registry accessible by all staff members in the Secretariat for declaring gifts received from governmental and non-governmental sources;

28. *Also requests* the Secretary-General to promulgate an administrative issuance on policies and procedures addressing the acceptance, reporting, recording, storing and disposing of gifts accepted by the Organization in the context of relocations related to the capital master plan;

29. *Reaffirms* paragraphs 44 and 45 of its resolution 62/87, and requests the Secretary-General to fully ensure the appropriate handling of works of art, masterpieces and other gifts throughout all stages of construction work;

Parking

30. *Reaffirms* paragraph 10 of its resolution 61/251, by which it approved the capital master plan and its budget, including the resources for additional scope options, in particular the structural strengthening of various components of the existing structure to provide greater blast resistance;

31. *Also reaffirms* paragraph 37 of its resolution 62/87, in which it decided that any scope options in addition to those already approved by the General Assembly should be submitted by the Secretary-General to the Assembly for its consideration and approval;

32. *Further reaffirms* that the General Assembly has the sole prerogative of deciding on any changes to the capital master plan project, budget and implementation strategy, as approved in its resolutions;

33. *Notes with concern* the existing difficulties with regard to the availability of parking at the United Nations, and requests the Secretary-General to ensure that the total number of parking spaces available to Member States will not diminish upon the completion of the capital master plan;

Accessibility

34. *Recalls* paragraph 5 of its resolutions 61/106 of 13 December 2006 and paragraph 5 of its resolution 62/170 of 18 December 2007;

35. *Requests* the Secretary-General to provide specific information in his next annual report about the measures taken to eliminate physical, communication or technical barriers to persons with disabilities at United Nations Headquarters in the framework of the capital master plan;

36. *Also requests* the Secretary-General to ensure that measures to be taken in the context of the capital master plan with a view to applying host city building, fire and safety codes do not violate the provisions of the Convention on the Rights of Persons with Disabilities,[10] especially those related to accessibility, and also requests the Secretary-General to report on this subject in future annual progress reports;

Oversight

37. *Reaffirms* paragraphs 16 and 17 of its resolution 62/87, and stresses the importance of ensuring effective oversight and audit coverage of the implementation of the capital master plan;

38. *Requests* the Secretary-General to develop adequate and effective tools to permanently monitor essential elements of progress made in the context of the implementation of the capital master plan, including a summary scoreboard to describe the development of the project at any given time, and to include detailed information on such tools in forthcoming annual progress reports;

[10] Resolution 61/106.

Advisory board

39. *Regrets* that the advisory board requested in its resolutions 57/292, 61/251 and 62/87 has not yet been established;

40. *Decides* that the advisory board shall be established no later than 31 December 2009, as originally intended, within its current mandate and in accordance with the provisions of paragraph 26 of its resolution 62/87;

41. *Also decides* that if the advisory board has not been established by 31 December 2009, the General Assembly will appoint five members, one from each regional group, for a non-renewable term of four years, and in that event will request the Secretary-General to seek candidatures from Member States;

Seventh annual progress report

42. *Requests* the Secretary-General to continue to report on the status of the project, the schedule, the projected completion cost, the status of contributions, the working capital reserve, the status of the advisory board and the letter of credit in his seventh annual progress report;

II
Associated costs

1. *Recalls* paragraph 34 of the report of the Advisory Committee on Administrative and Budgetary Questions,[7] and notes with concern that a number of the requirements set out in the report of the Secretary-General on associated costs[2] do not relate directly to the capital master plan, but rather are investment costs and long-term commitments;

2. *Decides* that the approved associated costs for the capital master plan will be financed from within the approved budget of the capital master plan unless otherwise specified by the General Assembly;

3. *Decides* not to approve the overall level of associated costs at this time, bearing in mind opportunities for further cost reductions posed by the present economic circumstances as well as savings realized by the Secretary-General;

4. *Expresses its regret* that the Secretary-General has entered into commitments for the financial period 2008-2009 for associated costs absent the formal approval of the Assembly, which is inconsistent with the Financial Regulations and Rules of the Organization,[9] and further expresses its concern that the Secretary-General has not complied with paragraph 43 of its resolution 62/87;

5. *Recalls* paragraph 60 of the report of the Advisory Committee on Administrative and Budgetary Questions,[7] and decides not to suspend the provisions for the application of credits under regulations 3.2 (d), 5.3 and 5.4 of the Financial Regulations and Rules of the United Nations;[9]

6. *Also recalls* section B of its resolution 63/248, and regrets that the Secretary-General did not consult Member States on the need to upgrade the broadcast facility, even though the upgrade was conceived long before the conception of the capital master plan;

7. *Requests* the Secretary-General to utilize the existing furniture where possible in a cost-effective manner;

8. *Also requests* the Secretary-General to reduce the projected costs of furniture for the new facilities of the United Nations;

9. *Recalls* paragraph 50 of the report of the Advisory Committee on Administrative and Budgetary Questions,[7] and requests the Secretary-General to make every effort to absorb the associated costs relating to the biennium 2008-2009 from within the overall budget approved for the capital master plan in a total amount of 30,272,400 dollars (net), broken down as follows:

(a) 995,300 dollars relating to the Department for General Assembly and Conference Management;

(b) 3,823,100 dollars relating to the Department of Public Information;

(c) 11,720,100 dollars relating to the Office of Central Support Services;

(d) 1,636,000 dollars relating to the Office of Information and Communications Technology;

(e) 7,576,300 dollars relating to the Department of Safety and Security;

(f) 4,521,600 dollars relating to construction, alteration, improvement and major maintenance activities at Headquarters;

(g) 1,496,300 dollars relating to staff assessment requirements, to be offset by the equivalent amount of income from staff assessment;

and to report the related expenditures in financial statements of the Organization in accordance with established procedures;

10. *Requests* the Secretary-General to submit to the General Assembly, for its decision at the main part of its sixty-fourth session, in the context of the seventh annual progress report on the implementation of the capital master plan, proposals for financing the associated costs required for the year 2010 from within the approved budget for the capital master plan;

11. *Recalls* section B of its resolution 63/248, and requests the Secretary-General to continue to provide adequate information technology support for conference services, within the existing resources of the Department for General Assembly and Conference Management, in order to ensure their seamless operation throughout the implementation of the capital master plan.